

### **Remarks**

Claims 1-18 are pending in the application.

By this response, Applicant has added new claims 19-28.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naimpally et al. (U.S. Publication No. 2003/0105639, hereinafter "Naimpally") in view of Aoki et al. (U.S. Patent No. 7,107,271, hereinafter "Aoki").

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naimpally and Aoki as applied to claim 15 above, and further in view of Takagi et al. (U.S. Publication No. 2002/0113895, hereinafter "Takagi").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly

include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

### **Rejection Under 35 U.S.C. 103**

#### **Claims 1-15**

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naimpally in view of Aoki. The rejection is traversed. The rejection of claims 10-11 and 13-15 is deemed to be moot due to the cancellation of these claims

Applicant submits that the combination of Naimpally and Aoki fails to teach or suggest one or more features recited in claim 1.

Naimpally teaches an apparatus and method for configuring information appliances for audio navigation (para. 1). The method includes converting text files into speech files at a remote location, downloading a portion of the speech files from a remote server to an information appliance for presentation through an audio speaker. (See Abstract, Fig. 1.)

Naimpally teaches that information such as EPG, weather and news are stored as text (para. 20, Fig. 1) at the remote location. However, unlike Applicant's claim 1, there is no teaching that any audio clips are stored at a distribution head-end or a remote server.

The Examiner cited Naimpally's para. 0005, lines 7-12, for teaching "a smart audio guide audio package (speech files) that includes a plurality of smart audio guide audio clips (EPG, weather, news information) corresponding to the information." Para. 0042 of Naimpally is also cited for allegedly teaching the processing unit, which causes the plurality of smart audio guide audio clips to be uttered in a predetermined mode when activated to identify programs recommended for viewing at the viewer subsystem based on the program list (page 3, Office Action).

Applicant submits that these analogies to Applicant's smart audio guide audio package and smart audio guide audio clips are flawed, because the audio clips in Naimpally do not contain the specific type of information as recited in claim 1. The

audio clips in Applicant's invention correspond to a customized viewing-recommendations list.

In Naimpally, there is no teaching about the audio clips of EPG, weather and news information corresponding to any customized viewing-recommendations list. All that the audio clips do is to provide audio navigation as an alternative to text navigation of the information appliance.

As Examiner stated, Naimpally fails to teach "a recommendation engine for providing a customized viewing-recommendation list ..." (page 3, Office Action).

Without such a customized viewing-recommendation list, Naimpally's audio clips are simply ordinary audio clips, but not the smart audio guide audio clips with the associated features recited in claim 1.

The Examiner cited Aoki's col. 5, lines 34-44 for teaching a recommendation engine for providing a customized viewing-recommendations list.

In Aoki, an information providing engine stores data in a preference database and generates recommendation to a user based on information accumulated in the database (col. 5, lines 41-44). Even though Aoki teaches an agent interface device that displays an agent to inform a user that a program will soon be broadcast (e.g., col. 6, lines 19-22), there is no teaching that any audio clips corresponding to any customized viewing-recommendations list are generated at a head-end of the interactive distribution system, or stored in a database at the head-end, as provided in claim 1.

Thus, even if combined, Naimpally and Aoki still do not teach each and every element in Applicant's claim 1.

As such, independent claim 1 is allowable under 35 U.S.C. 103(a) over Naimpally and Aoki. Since claims 2-10 depend from claim 1, these dependent claims are also allowable over Naimpally and Aoki.

Furthermore, Applicant submits that claim 12 is patentable over Naimpally and Aoki for the following additional reason.

Specifically, Applicant disagrees with the Examiner's interpretation of Naimpally's para. 0042, 0044 and 0046 as teaching the features of claim 12.

For example, para. 0042 and 0046 teach different options selected by using a remote control. Para. 0044 teaches that a user may command the audio output to skip and

begin at the next time slot or at the next day by pressing an up-arrow key. After a quick pause, the voice may continue announcing the list of offerings available at the date, time and channel. The “pause” referred to in Naimpally is the pause of the audio output announcing the list of offerings.

By contrast, in Applicant’s claim 12, what is being temporarily discontinued is the audio associated with programming being displayed when the smart audio guide audio clips are being uttered in a predetermined mode. Here, the audio associated with programming being displayed is different from the smart audio guide audio clips.

As taught in Applicant’s specification, page 13, lines 4-11:

“the audio associated with programming being displayed via the display device 124 is muted or temporarily shut off so as not to interfere with the utterance of the SAG audio clips 14a. After the specific SAG audio clips 14a have been uttered using either mode (1) or (2) as described above, the SAG actuator 16 is operative to disable the “mute” capability so that the audio associated with the programming being viewed is again available.” (emphasis added)

Thus, contrary to Naimpally’s teaching, Applicant’s invention does not involve temporarily discontinuing or pausing the audio clips announcing the program offerings.

For this additional reason, dependent claim 12 is not obvious over the combined teaching of Naimpally and Aoki.

Since claims 1-9 and 12 are allowable under 35 U.S.C. 103(a) over Naimpally and Aoki, the Examiner is respectfully requested to withdraw the rejection.

#### **Claims 16-18**

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naimpally and Aoki as applied to claim 15 above, and further in view of Takagi et al. (U.S. Publication No. 2002/0113895, hereinafter “Takagi”). The rejection is deemed to be moot in view of the cancellation of these claims.

#### **New Claims**

Applicant has added new claims 19-28. Claims 19-28 are fully supported by the specification. No new matter has been added. Claims 19-28 are patentable over the prior art at least for the reasons discussed above.


Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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